THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6031 of 2007

17.4.2007

Between:
Sri Dasi Subbarao, S/o.Late Subbaiah

… Petitioner

AND

The District Collector, Visakhapatnam
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6031 of 2007

ORDER:

The petitioner is allegedly an Ex-serviceman, who served Indian Army during II-World War. He was allegedly assigned land admeasuring Acs.5.00 in survey No.138/2 situated at Kommadi village in Visakhapatnam District, by way of D-Form patta No.153/70, dated 23.6.1970 by the then Tahsildar, Visakhapatnam. Petitioner developed the land and has been cultivating the same after obtaining rythu pass book. In July 2006, he approached Mandal Revenue Officer, Visakhapatnam (Rural) – second respondent herein; requesting for Pattadar Pass Book (PPB), title deed and for necessary record of rights. There was no response. He alleges that after he made application for PPB and other documents, respondents are threatening to cancel D-Form patta issued to him in 1970. Therefore, the present writ petition is filed seeking a writ of Mandamus declaring the action of respondents in trying to dispossess the petitioner from the land and trying to cancel the D-Form patta dated 23.6.1970 as illegal and arbitrary, and for a consequential direction to respondents for issue of PPB and title deed.

The matter was initially heard on 09.4.2007 and learned Assistant Government Pleader for Revenue (Assignment) sought time for getting instructions. Today after getting instructions he submits that total extent of Acs.14.29 in survey No.138/2 is classified as Government land and assessed waste dry land. After verifying the records, it is found that this land was never assigned to any person and the D-Form pattas are forged. He also submits that on 03.1.2007, the land was handed over to District Manager, A.P.Housing Corporation, Visakhapatnam, for construction of houses. He also submits that the petitioner is not in possession of the land.

When respondents deny assignment and allege that the D-Form patta produced before this Court in support of the allegation that the land is assigned, is forged, it is certainly a matter of enquiry. This Court cannot decide such questions. In similar writ petition in **I.Subbarama Naidu v The Mandal Revenue Officer, Badvel**[1], this Court directed the revenue officials to conduct enquiry and if it is found that the patta produced is forged, MRO shall initiate criminal action against such person. Following the same, the MRO is directed to conduct enquiry and take necessary action within a period of eight weeks from the date of receipt of a copy of this order, after giving notice to the petitioners.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

April 17, 2007.

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[1] W.P.No.24944 of 2006, dated 08.12.2006